



HF 657 – Indecent Exposure (LSB 1341HV.1)

Analyst: Beth Lenstra (Phone: 515-281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version – Revised

Description

House File 657 redefines the crime of indecent exposure. Under current law, the offender knows, or reasonably should know, the act is offensive to the viewer. Under House File 657, the offender knows, or should know, the conduct is likely to cause affront or alarm. The Bill expands the definition of indecent exposure to include masturbation under certain circumstances.

Background

Correctional and Fiscal Information

- Expanding the definition of the crime increases the likelihood there will be more convictions. However, there is no data available to estimate the number of additional convictions.
- Offenders convicted of indecent exposure are subject to enhanced penalties of sex offender treatment, intensive supervision, and the special sentence of 10 years supervision after the original term is served. These offenders may be placed on electronic monitoring by the Department of Corrections (DOC) or Community-Based Corrections (CBC) District Departments. These offenders are required to comply with the terms of the Sex Offender Registry.
- The average cost to the court system for a bench trial is \$200 and a jury trial costs \$1,000 for misdemeanors.
- The average cost per case for indigent defense for serious misdemeanor sex offenses is \$1,000.
- The average daily cost for probation or parole supervision is \$3.64. The average length of stay on probation for a serious misdemeanor is 11.2 months.
- The marginal cost (support budget only) for the State prison system is \$18.29 per day. The average length of stay in prison is 10.8 months for serious misdemeanants. The average length of stay on parole is 3.3 months.
- The average length of stay for a 10-year special sentence is 4.8 years. This sentence begins once the original sentence is served.
- The cost per Global Positioning System (GPS) bracelet is \$7.00 per day. The current practice of the Department of Corrections is to electronically monitor sex offenders using the GPS bracelet while they are under any type of supervision in the community.

Minority Data Information

- Iowa's prison population was 8,454 offenders on June 30, 2009. Men comprised 92.1% of the population. According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, the racial composition of the prison system was: 71.4% white; 25.8% black; 0.9% Asian or Pacific Islander; and 1.9% American Indian or Alaska Native. Included in these racial groups were 6.7% that identified themselves as Hispanic (nearly all identified themselves racially as being white).

- The majority of sex offenders admitted to DOC custody or supervision are white non-Hispanic males.
- House File 657 does not change the offense class.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- The criminal sentencing change takes effect July 1, 2010.

Minority Data Information

- The minority impact is expected to mirror current statistics.
- Approximately 14.0% of Iowa's population has at least one disability. The number of offenders that have a disability and are convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact

The correctional impact cannot be estimated. To the extent that local law enforcement and prosecutors enforce the expanded definition of indecent exposure, there will be a correctional impact. Any increase in the sex offender population may have a significant correctional impact due to the long length of stay under correctional supervision.

Minority Impact

The minority impact is expected to be minimal because the majority of sex offenders are white males.

Fiscal Impact

The fiscal impact of House File 657 cannot be estimated because the increase in the number of offenders cannot be predicted. However, the average cost for one serious misdemeanor sex offender is \$25,000. The cost will be incurred across multiple fiscal years for correctional supervision. This figure does not include the costs of any intensive supervision, sex offender treatment, and costs of compliance with the terms of the Sex Offender Registry. This figure also does not include the potential cost of any revocations to prison or jail that may occur while the offender is on extended community supervision. The cost is a function of the amount of time the offender is required to be under correctional supervision and wear a GPS monitoring device.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
 Department of Corrections
 Judicial Branch
 Office of the State Public Defender

/s/ Holly M. Lyons

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
